

DETAILED ACTION

1. Claims 1 and 4-40 are pending and presented for examination.
2. Claims 1 and 4-40 are rejected.
3. Applicant's arguments directed to the cited art in the rejection was carefully reviewed. However, the arguments were deemed nonpersuasive and the rejection of claims 1 and 4-40 are maintained. This is a FINAL rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims are 1, 4-12, 16, and 20-31, 33-35 and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Application Number 2003/0105677, Skinner in view of Hanson, Robin, "Idea Futures, Encouraging an Honest Consensus" (hereinafter Hanson).

As to claims 1 and 33-35 and 40, Skinner discloses a computer implemented method and system comprising:

defining a set of one or more term-based concepts (i.e. search terms), each of the concepts comprising a set of one or more terms , the terms being usable in computerized searches (paragraph 37)

valuing the one or more concepts based at least in part on a utilization of the associated one or more concepts by one or more participants to locate information through the computerized searches (i.e. search term's effectiveness is determined by collecting and analyzing data relating to the number of impressions the number of clicks, and the number of resulting sales)(paragraphs 37-38)

generating one or more instruments, the one or more instruments being associated with the one or more concepts; and

Skinner does not explicitly disclose

allowing transactions in a set of one or more instruments on a networked computer system

However, Hanson discloses allowing transactions in a set of one or more instruments on a networked computer system, each of the instruments being associated with one or more of the concepts (i.e. idea futures)(see page 1 and page 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include allowing transactions in a set of one or more instruments on a networked computer system, each of the instruments being associated with one or more of the concepts as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 4, Skinner discloses the method of claim 1, comprising defining each of the concepts such that each of the terms of the concept relates to a theme (paragraph 37).

As to claim 5, Skinner discloses the method of claim 1, Skinner discloses wherein defining a set of concepts comprises defining a set of concepts such that each of the concepts is capable of being valued, the value of each of the concepts being an advertising value (paragraph 38).

As to claim 6, Skinner discloses the method of claim 1, wherein defining a set of concepts comprises defining a set of concepts such that each of the concepts is capable of being valued, the value of each of the concepts being based on Pay-for-Performance data (paragraph 37-38).

As to claim 7, Skinner discloses the method of claim 1, comprising valuing at least one of concepts or terms of concepts based on one or more measures of demand for the concept as a search- based advertising vehicle (paragraph 38).

As to claim 8. Skinner discloses pay per click advertising systems (paragraphs 37-38).

Skinner does not explicitly disclose allowing exchange of instruments for rights associated with clicks in a pay per click search-based advertising system.

However, Hanson discloses a system for an exchange of instruments for rights to a variety of items (see page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 9-10, Skinner does not explicitly disclose the method of claim 1, comprising allowing transactions including buying and selling of one or more of the instruments by users of the networked computer system and exchanging the instruments for value.

However, Hanson discloses allowing transactions including buying and selling of one or more of the instruments by users of the networked computer system and exchanging the instruments for value (see page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 11, Skinner discloses the method of claim 1, comprising defining each of the concepts such that each of the terms comprises at least one of a character, a character string, a letter, a word, a phrase, an abbreviation, a sentence, and a symbol (paragraphs 5 and 37).

As to claim 12, Skinner discloses the method of claim 1, comprising defining terms by manual selection (paragraph 5).

As to claim 13, Skinner discloses the method of claim 1, comprising defining terms using a computer algorithm (paragraph 5).

As to claim 16, Skinner does not explicitly disclose the method of claim 1, comprising allowing transactions in instruments that are or are modeled after financial securities.

However, Hanson discloses allowing transactions in instruments that are or are modeled after financial securities (page 2). It would have been obvious to one of

ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 20, Skinner discloses The method of claim 1, comprising valuing concepts based on parameters associated with use of terms of the concept as search terms in one or more search engines or search portals (paragraph 5, 37 and 38).

As to claim 21, Skinner does not explicitly disclose the method of claim 1, comprising valuing a concept based on values of one or more measures of future economic value of at least one of the concept and one or more terms of the concept.

However, Hanson discloses valuing a concept based on values of one or more measures of future economic value of at least one of the concept and one or more terms of the concept (i.e. idea futures, see page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 22, Skinner discloses the method of claim 1, comprising valuing a concept based on Internet pay per click auction data relating to one or more terms of the concept.

As to claim 23, Skinner discloses the method of claim 22, wherein the Internet pay per click auction data comprises at least one of total revenue generated over a period of time for one or more terms, average revenue over a period of time for one or more terms, median revenue over a period of time for one or more terms, and a median clicked price.

As to claim 24, Skinner discloses The method of claim 21, wherein the one or more measures relate to at least one of advertising data, business data, and consumer data (see abstract).

As to claim 25, Skinner does not explicitly disclose The method of claim 19, comprising denominating the payoff of one or more of the instruments in at least one of money, currency, fake money, fake currency, game money, game currency, coupons, credits, discounts, certificates, goods, services, and rights.

However, Hanson discloses denominating the payoff of one or more of the instruments in at least one of money, currency, fake money, fake currency, game money, game currency, coupons, credits, discounts, certificates, goods, services, and rights (see page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 26, Skinner and Hanson do not explicitly disclose the method of claim 1, comprising facilitating generating revenue for an owner of a market in which the transactions are accomplished based on at least one of transaction fees associated with the transactions, listing fees associated with the transactions, institutional participant fees associated with the transactions, data sale associated with the transactions, and exposure of a business entity of the owner to potential customers via the transactions.

However, the Examiner takes official notice that it was well known in the electronic securities arts to charge transaction fees to generate revenue. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within Hanson in order to provide profit or costs of doing business to the owner.

As to claim 27, Skinner discloses the method of claim 1, comprising an entity that also at least in part facilitates Pay-Per-Click auctions for rights associated with the concepts (paragraphs 37-38).

Skinner does not explicitly disclose an entity that at least in part facilitates allowing of transactions capable of being valued based on values of term-based concepts.

However, Hanson discloses an entity that at least in part facilitates allowing of transactions capable of being valued based on values of term-based concepts (page 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Hanson within Skinner for the motivation of valuing instruments by using consensus about the value of

an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

As to claim 28 Skinner discloses the method of claim 1, comprising obtaining the one or more terms from a set or one or more terms obtained from a search engine system (paragraph 37).

As to claim 29, Skinner discloses the method of claim 1, comprising obtaining the one or more terms from a set of one or more search terms used in one or more computerized searches (paragraph 5 and 37).

As to claim 30. Skinner discloses The method of claim 1, comprising selecting the one or more terms from a set of one or more search terms used in one or more computerized searches (paragraphs 37 and 38).

As to claim 31, Skinner discloses the method of claim 1, comprising deriving the one or more terms from a set of one or more search terms used in one or more computerized searches (paragraphs 37 and 38).

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner and Hanson as applied to claim 1 above, and further in view of Giles, Jim, "Wanna bet?" (hereinafter Giles).

As to claim 17, Skinner and Hanson do not explicitly disclose the method of claim 1, comprising allowing betting transactions, wherein bets relate to present or future values of concepts.

However, Giles discloses allowing betting transactions, wherein bets relate to present or future values of concepts (page 354). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within the Skinner and Hanson combination in order to help frame and clarify important issues (page 354).

As to claim 18, Skinner and Hanson do not explicitly disclose the method of claim 17, comprising allowing betting transactions including at least one of odds bets, line bets, and pari-mutuel bets.

However, Giles discloses allowing betting transactions including at least one of odds bets, line bets, and pari-mutuel bets (page 354). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within the Skinner and Hanson combination in order to help frame and clarify important issues (page 354).

As to claim 19, Skinner and Hanson do not explicitly disclose the method of claim 17, comprising basing a payoff value of a bet on at least one of a future value of the concept and a demand associated with the bet.

However, Giles discloses a payoff value of a bet on at least one of a future value of the concept and a demand associated with the bet (page 354). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within the Skinner and Hanson combination in order to help frame and clarify important issues (page 354).

7. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner and Hanson as applied to claim 1 above, and further in view of Burns, Jr et al, Pat. Pub. 2003/0115099 (hereinafter Burns, Jr.).

As to claim 13 and 14, Skinner and Hanson do not explicitly disclose the method of claim 1, comprising defining terms using at least one of a clustering algorithm, a machine learning algorithm, an automatic naming algorithm, and an artificial intelligence-based algorithm.

However, Burns, Jr discloses defining terms using at least one of a clustering algorithm, a machine learning algorithm, an automatic naming algorithm, and an artificial intelligence-based algorithm (paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within the Skinner and Hanson combination in order to monitor search engine keyword navigation patterns (paragraph 28).

As to claims 15, Skinner discloses the method of claim 1, comprising defining terms using a combination of manual selection (paragraph 5). Skinner does not disclose using a computer algorithm

Burns, Jr discloses defining terms using an artificial intelligence-based algorithm (paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within the Skinner and Hanson combination in order to monitor search engine keyword navigation patterns (paragraph 28).

8. Claims 32 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner, Hanson and Burns, Jr..

As to claims 32 and 36, Skinner discloses
defining a set of one or more term-based concepts (i.e. search terms), each of the concepts comprising a set of one or more terms , the terms being usable in computerized searches (paragraph 37)
valuing the one or more concepts based at least in part on a utilization of the associated one or more concepts by one or more participants to locate information through the computerized searches (i.e. search term's effectiveness is determined by collecting and analyzing data relating to the number of impressions the number of clicks, and the number of resulting sales)(paragraphs 37-38)
generating one or more instruments, the one or more instruments being associated with the one or more concepts; and
Skinner does not explicitly disclose
allowing transactions in a set of one or more instruments

However, Hanson discloses allowing transactions in a set of one or more instruments on a networked computer system, each of the instruments being associated with one or more of the concepts (i.e. idea futures)(see page 1 and page 6). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include allowing transactions in a set of one or more instruments on a networked computer system, each of the instruments being associated with one or more of the concepts as disclosed by Hanson within Skinner for the motivation of valuing

instruments by using consensus about the value of an item, combining what people know and provide an incentive for experts to provide opinions (advantages, page 9-10).

Skinner and Hanson do not disclose using a computer algorithm

Burns, Jr discloses defining terms using an artificial intelligence-based algorithm (paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation within the Skinner and Hanson combination in order to monitor search engine keyword navigation patterns (paragraph 28).

As to claims 37-39, the claims are substantially similar to claims 13 and 14 and are rejected on the same basis.

Response to Arguments

9. Applicant's terminal disclaimer overcomes the double patenting rejection. The double patenting rejection is withdrawn.

10. Applicant's arguments and amendments in response to the 35 USC 101 rejection are persuasive. The previous rejection is withdrawn.

Applicant's arguments with respect to the rejection under 35 USC 103 of claims 1 and 4-40, have been considered but are unpersuasive. Applicant argues that the Examiner inappropriately defined term "concept" to mean "search terms" and argues that a concept is a set of search terms as explained on page 6 of the specification. The Examiner disagrees. In claim 1, the limitation directed to defining a concept is "defining a set of one or more term-based concepts, each of the concepts comprising a set of one

or more terms, the terms being usable in computerized searches". It is clear from the claim that a concept comprises a set of one or more search terms. As defined by the claim, a concept may comprise a set of one search term. Therefore, a search term and a concept may be one and the same. In light of this definition found in the claim language, Skinner teaches the claimed limitations.

In addition, Applicant argues that the publication titled "Idea Futures, Encouraging and Honest Census" by Robin Hanson does not constitute prior art since there is no publication date. Please find enclosed a publication with a publication date of the Robin Hanson aforementioned publication with a publication date of Winter 1992 and is therefore prior art with respect to the instant application. Therefore, the Hanson article does constitute prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abhishek Vyas whose telephone number is 571-270-1836. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Thur, ALT Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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